

REMARKS/ARGUMENTS

Species I has been elected for examination. Species I has been identified by the Examiner as corresponding to Figs. 1 and 22. The Examiner is advised that the same apparatus is shown in other Figures as well, which were not mentioned in the species election requirement.

Claims 34-38 and 47-52 have been withdrawn from consideration. Claims 33 and 39-46 have been examined and rejected over prior art. Claims 33, 39-41 and 43-46 have been rejected as anticipated by Ditter et al. Claim 42 has been rejected as being obvious over Ditter.

Reconsideration is requested.

Claim 33 of the present application specifically recites an arrangement in which "a leading portion of a tool on the tool receiving means is disposed substantially vertically below an axis of rotation of the axle".

The Examiner argues that this feature of Claim 33 is disclosed in Ditter, U.S. Patent No. 2,942,674, by the leading portion of blade 32 in Fig. 1. The Examiner states that this portion of blade 32 is "disposed below" the axle of Ditter's traction roller 22. The Examiner did not, and cannot, indicate that any portion of the blade 32 is "disposed substantially vertically below" the axle of traction roller 22, as required by the actual language of claim 33. In fact, as shown in Fig. 1, no portion of Ditter's blade 32 is located "substantially vertically below" the axle of the traction roller 22 as claimed.

The specific advantages in the apparatus of claim 33 of having the tool (i.e. turf undercutting blade 10) located vertically below the axle 14 of the turf cutting apparatus 301 are illustrated in the specification as originally filed at page 8, lines 6 to 10, where it states that

"Figure 4 shows the turf cutter apparatus 301 of the present invention where the turf undercutting blade 10 is located vertically below the axle 14 which results in a turf strip 120 having a consistent depth. The depth of the turf strip 120 is consistent because the turf undercutting blade 10 is following a single point of reference, namely axle 14."

In Figures 1 and 4 of the present application, the undercutting blade 10 is clearly shown vertically below the axle 14 of wheel 5.

The position of the blade 32 in Ditter appears to correspond to the location of the blade 10 shown in Figure 3 of the present application. Figure 3 of the present application, together with the description at page 8, lines 2 to 6, describe the problem associated with having the turf undercutting blade located centrally between the axles. This position is disadvantageous because

it results in uneven depth of cut. The description at page 8, lines 3 to 6, states the problem with this arrangement as follows:

"The main problem with this configuration of turf cutting apparatus 301 is that the turf strip 120 has an uneven depth because the turf undercutting blade 10 is rising and falling relative to two reference points namely axles 8 and 14 as opposed to one reference point."

Ditter, column 3, lines 7 to 15, discloses on the other hand that

"The machine 20 also includes a U-shaped sod cutting blade 32 having a horizontal edge 34 and a pair of forwardly inclined edges 36 disposed in parallel vertical planes, only one of which edges 36 is visible. Oscillatory movement is imparted to the cutting blade 32 by a suitable eccentric connection with the engine 24. The depth of cut of the blade 32 is governed through the medium of a handle 38, a locking lever 40 when tightened then assuring retention of this adjusted depth."

It is shown in Figure 1 of the Ditter reference that neither the horizontal edge 34, nor any other portion, of blade 32 in Ditter for longitudinal sod-cutting is "disposed substantially vertically below" an axis of rotation of the axle, the horizontal edge 34 of Ditter being the "leading portion of the tool" specified in Claim 33.

Thus, the disclosure of Ditter, U.S. Patent No. 2,942,674, does not anticipate Claim 33 of the present application.

Furthermore, Claim 33 is not obvious in view of the Ditter reference, because there is absolutely no teaching in Ditter to dispose a leading portion of a tool substantially vertically below an axis of rotation of the axle (14) of wheel (5). In fact, the teaching in Ditter is entirely towards an alternative way of controlling the depth of the undercut of the blade 32 (column 3, lines 12 to 15).

Indeed, it is respectfully submitted that in the cutting machine disclosed by Ditter, it would be wholly unsuitable to position the cutting tool substantially vertically below an axis of rotation of the wheel 22, as the depth control means provided would then be incapable of raising blade 32 from beneath the wheel to a position clear of the ground when not in use. As illustrated in connection with an embodiment at page 6, lines 22 to 24 of the specification as originally filed, "*The turf cutting apparatus 301 is pivotable about the forward axle 8 to allow the turf cutting knife 305 ... to be raised clear of the ground when out of use....*" This pivoting motion, which would be in a forward direction, is assisted by the weight of the motive power source 12 which is placed forward of the axle 8 (Figure 2, Figure 6) and therefore in the direction of

rotation. Clearly, with the turf cutting apparatus disclosed in Ditter it would not be possible for a user to raise blade 22 by pivoting the machine, as the apparatus would have to be pivoted rearwardly about wheels 30 and counter to a significant proportion of the weight of the entire apparatus.

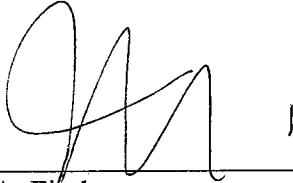
In addition, the teaching in Ditter is to have two entirely separately operable blades, namely Ditter's blade 32 for longitudinal cutting of sod and blade 44 for transverse cutting of sod. Instead, in the disclosed embodiment(s), the turf cutting knife 305 has a turf undercutting blade 10 and a turf side-cutting blade 9 extending upward and rearward from each lateral edge of the turf undercutting blade 10. The Examiner is referred to page 7 and Figure 15 of the present application.

Since Claim 33 is novel and non-obvious over Ditter, its dependent claims 39 to 41 and 43 to 46 are also novel and non-obvious. Allowance is therefore requested. Rejoinder and allowance of claims 34-38 and 47-52 are requested as well.

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JAF:lf

Respectfully submitted,



James A. Finder
Registration No.: 30,173
OSTROLENK FABER LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Telephone: (212) 382-0700